TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

September 25, 1996
North Tahoe Conference Center
Kings Beach, California

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Vice Chairman Drake Delanoy called the regular September 25, 1996, meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:30 a.m. and asked Board member Don Miner to lead in the Pledge of Allegiance to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present:  Mr. DeLanoy, Mr. Waldie, Dr. Miner, Mr. Heller (present during consent calendar item 7), Mr. Cole, Ms. Bennett, Mr. Cronk, Ms. Neft, Mr. Bradhurst, Mr. Wynn (present during discussion on item VIII.A.), Mr. Upton (present at the conclusion of item VIII.A.), Mr. Sevison (present at the conclusion of item VIII.A.), Mr. Hime (present by telephone for the consent calendar)

Members Absent:  Mr. Westergard, Mr. Neumann

Vice Chairman DeLanoy noted that Rex Hime would be present by speaker phone for action on the consent calendar only. Performance Audit Committee members Westergard, Sevison, and Upton were at a 9:30 a.m. meeting of the Nevada Audit Subcommittee in Carson City and would be present upon its conclusion.

III. PUBLIC INTEREST COMMENTS - no public comments

IV. APPROVAL OF MINUTES

MOTION by Dr. Miner to approve the August 28, 1996, regular meeting minutes as presented. The motion carried unanimously.

V. APPROVAL OF AGENDA

Deputy Director Jerry Wells asked that presentations on thresholds (item VIII.C.) be taken up at 1:30 p.m. to accommodate consultant schedules.

MOTION by Mr. Waldie to approve the agenda as discussed. The motion carried unanimously.

VI. CONSENT CALENDAR

Mr. DeLanoy noted that action on the Nevada consent calendar items would be held in abeyance until the necessary Nevada quorum was present. The California projects were items 1, 7, and 8.

Mr. Hime was brought into the meeting by speaker phone.
Mr. Wells noted that item 6. (Prim Investments, Lakeview Office Center) was continued as noted in the packet materials.

Mr. Waldie asked that item 7 be taken off the calendar and acted on separately.

MOTION by Ms. Neft to approve items 1 and 8 on the consent calendar. The motion carried unanimously. (Cole, Bradhurst, Neft, Bennett, Waldie, Cronk, Miner, Hime, Delancy)

(Following are items approved on the consent calendar: 1. James Blundell, Resolution of Enforcement Placer County APN 083-460-24; 8. Church, New Pier, Special Use Determination, 843 Stateline Avenue, El Dorado County APN 29-010-03)

(Mr. Heller came into the meeting during the following discussion.)

Verderame, Upper Truckee Campground, New Developed Campground, 2101 Highway 50, El Dorado County APN 33-110-03 (consent item 7)

Senior Planner Lyn Barnett presented the staff recommendation for approval of the proposal to construct a new campground consisting of 126 campsites.

Mr. Waldie asked that Ms. Urza present the Stream Environment Zone (SEZ) issues she had raised in a memo prepared on behalf of Board member Steve Wynn.

Ms. Monique Urza explained she was not objecting to the project but was raising issues on the SEZ and required findings. The first issue related to safety of campers and fishermen trying to gain access to the river across airport property. The second related to proposed coverage in an SEZ and whether the project as a private outdoor recreation proposal was appropriately included in a public agency's long-range recreation plan. Should a campground with 58 water and sewer hookups and a sewage pump station be located next to an SEZ and propose SEZ coverage? Could findings be made that the project was a necessary part of a public agency's long-range outdoor recreation plan, that by its nature it needed to be sited in an SEZ, and that there was no feasible alternative to locating the project in an SEZ? The staff report in her opinion did not adequately address these issues and findings.

Mr. Barnett responded that there was access to the river in areas other than across airport property; it was obvious through signage and fences that access via the airport was not reasonable. Lake Valley State Recreation Area, Washoe Meadows State Park, and Forest Service land were close to the campground and provided access to the river. TRPA's recreation plan consisted of a list of recreation projects; this project was included on the list.

Agency Counsel R. J. Nicolle explained that TRPA had an adopted master plan of recreational projects that served as TRPA's plan for public outdoor recreation. This list of projects was updated annually.

Mr. Barnett explained that almost all of the proposed development was outside the SEZ. A path and bridge across the SEZ connecting the two campground areas had been eliminated from the proposal, because the required findings could not
be made. The coverage for the roadway exceeded the 1 percent allowed for SEZ for this type of recreation project, and staff was working with the applicant to show that the effects would be mitigated by restoring more SEZ than was being disturbed on the site (150 percent). There would be a net restoration of SEZ in the same hydrologic area. Staff felt that the impacts of the project would not cause thresholds to be exceeded. The stream zone was marginal and was likely created by commercial development runoff from across the highway. There would need to be two accesses from the highway and resulting increases in traffic impacts if the campground were to be developed without SEZ coverage. Staff felt the proposal was permissible under the Code.

Mr. Paul Kaele, on behalf of the applicant, explained the process had been ongoing for some time. An environmental assessment was done on the project. The SEZ was not being disputed by the property owner because agreement was reached on a bridge to cross the swale, a depression in the land that carried snowmelt during the spring runoff. The stream was not a perennial flowing stream and did not connect up on the map as bringing water from a large area. It would clearly be very difficult to get from one portion of the campground to another by going back out onto the highway. The vehicle impacts would be significant. The land was zoned recreation in the Plan Area, and the proposal was consistent with the Goals and Policies. The proposal was submitted to the fire department for comment; there were none regarding access to the campground. The land was relatively flat, and there were numerous ways to egress the property.

Ms. Urza reiterated that she was not opposed to the project or critiquing it; this discussion was necessary for the Board since the staff report did not contain the information to approve the project on the consent calendar.

**MOTION** by Dr. Miner based on the staff summary to make the findings for approval of the Verderame campground. The motion carried unanimously. (Cole, Hime, Heller, Waldie, DeLamoy, Miner, Cronk, Bradhurst, Neft, Bennett)

**MOTION** by Dr. Miner to approve the Verderame campground project. The motion carried unanimously.

Mr. Cole commented that in his opinion the staff report was quite adequate.

VI. CONSENT CALENDAR (continued)

**MOTION** by Dr. Miner to approve the balance of the Consent Calendar. The motion carried unanimously. (Hime, Heller, DeLamoy, Waldie, DeLamoy, Miner, Cronk, Bradhurst, Neft, Bennett)

(Following are items included in this approval: 2. P and P Enterprises, New Single Family Dwelling, Special Use Determination, 687 Sutro Court, Washoe County APN 125-372-02; 3. Elks Point Country Club, Inc., Water Tank Replacement, Elks Avenue, Douglas County APN 05-242-61; 4. Shipman, Single Family Dwelling Addition, Special Use Determination, 422 Gonowable Road, Washoe County APN 123-145-13; 5. Martini/Horgan, Pier Expansion/Multiple Use Determination, 1655 and 1665 Pine Cone Circle, Incline Village, Washoe County APNs 130-241-39 and -04)
VII. PUBLIC HEARING

A. Amendment of Goal #1, Housing Subelement of the Land Use Element of the Goals and Policies, and Chapter 2 of the Code of Ordinances Relative to Regional Median Income Levels and Definition of Affordable Housing

Contract Planner David Atkins presented the amendment to change how affordable housing was defined in the Basin from using a regional median income to a local jurisdiction median income. In identifying affordable housing needs in the City of South Lake Tahoe, as an example, El Dorado County’s median income would be used, as opposed to a Basin income. The APC recommended approval of the amendment in May. A quorum of the Local Government Committee met on September 20 and recommended unanimously that the amendment be approved. The Committee determined that using the proposed method to determine median income level would be more beneficial for the housing needs of the Basin.

No one wished to speak during the public hearing.

MOTION by Ms. Neft on the amendment of the Housing Subelement of the Land Use Element and Chapter 2 to make the required findings and to adopt Ordinance No. 96-15.

Vice Chairman DeLancy read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, of the Tahoe Regional Planning Agency; Amending the Housing Subelement, Land Use Element of the Goals and Policies Plan; Amending Chapter 2 of the Code of Ordinances Relating to Affordable Housing; and Providing for Other Matters Properly Relating Thereto

The motion carried unanimously. (Members present: Cole, Bradhurst, Neft, Bennett, Waldie, Heller, Cronk, Miner, DeLancy)

B. Amendment of Tahoe Vista Community Plan Boundary to Include Placer County APN 112-050-08

Associate Planner John Hitchcock presented the summary of the staff-initiated amendment. The subject parcel was currently located in a recreation Plan Area, and the use on the property was commercial and therefore nonconforming. The parcel was originally in the Tahoe Vista Community Plan but was inadvertently taken out in the preparation of the final Community Plan because it was mistakenly identified as an NTPUD recreation parcel. Placer County had brought this error to the attention of TRPA staff. The amendment would put the parcel back into a commercial Plan Area. Staff and the APC recommended approval.

No one wished to speak during the public hearing.
MOTION by Dr. Miner to make the finding of No Significant Effect for the amendment of the Tahoe Vista Community Plan boundary. The motion carried unanimously.

MOTION by Dr. Miner to make the Chapter 6 findings. The motion carried unanimously.

Vice Chairman DeLancy read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, by Amending the Regional Plan of the Tahoe Regional Planning Agency; Amending the Boundary Between Tahoe Vista Community Plan and the Plan Area Statement 024A, North Tahoe Recreation Area, to Incorporate Placer County APN 112-050-08 Into the Tahoe Vista Community Plan Area, and Providing for Other Matters Properly Relating Thereto.

MOTION by Dr. Miner to adopt Ordinance No. 96-16. The motion carried unanimously.

C. Draft EIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis

Deputy Director Jerry Wells brought the Board up to date on the September 24 meeting of the Board’s Shorezone Policy Committee and the discussion on extension of the EIS comment period to the end of November, the 30th. The comment period had been extended previously to October 23, and an additional month was needed to detail out the ordinances before cutting off comments. It was hoped that an additional extension may not be needed. The Executive Director had the authority to extend the deadline; it did not require Governing Board approval, but staff would like Board concurrence.

Vice Chairman DeLancy directed staff to extend the comment period on the EIS to the end of November.

D. Amendment of Article V of the Rules of Procedure Pertaining to Application Review Procedures

Chief of Project Review Rick Angelocci explained that the amendment would: 1) establish a 30-day time limit for notifying applicants of additional information needed for a complete application; 2) clarify tracking of the processing time; and 3) set forth reporting rules to the Governing Board for any project pending for more than 120 days from the date of a complete application.

Vice Chairman DeLancy noted the Rules Committee had reviewed the amendment and unanimously recommended approval by the Board.

Mr. Heller asked if the project filing fee was returned to the applicant if the application was not processed in 30 days; was there a penalty? He supported the proposed amendments but felt there should be some penalty or something for the applicants if the deadlines were not met.
Agency Counsel R. J. Nicolle explained that there were two ways for amendments to be enforced. These included an applicant bringing a complaint to the Governing Board if there were a violation or bringing a writ of mandate lawsuit against TRPA for failure to comply with the rules.

Dr. Miner spoke in favor of the proposal but questioned why 30 days was the magic number for advising an applicant that his information was insufficient in some way. He hoped staff would advise applicants before 30 days if there was a problem. He would not want to see everything clustered to the 30-day deadline. It would be wise for TRPA to take responsibility and to impose some kind of tradeoff. He hoped there would be some way of turning around the easier, smaller project at the front counter.

Mr. Angelocci explained that for most projects meeting the 30-day deadline would not be a problem. For more complex projects involving, as an example, a community plan, staff had to ensure that the information submitted responded to very complicated requirements. TRPA received up to 200 applications a month. For the most part, 80 to 85 percent of the applications could be checked for completeness at the counter through means of a check-off list. The smaller, straightforward projects were separated out and moved forward quickly.

Mr. Cole expressed concern that, if additional information was needed or there were deficiencies in an application, the applicant be advised at one time. At the City, the planning staff had one shot at an application. If something was missed the first time around, additional needs could not hold up an application. His concern was the moving target.

Mr. Angelocci responded that the intent was to have the staff review be as complete and all encompassing as possible the first time through. If an application came in on January 1 and there was four feet of snow on the ground, staff could not get out in the field to inspect the site. His concern with a one-shot review was that if there was an error in the application and sufficient information had not been submitted, the Governing Board could not make the required findings in the case of projects requiring Board approval.

Executive Director Jim Baetge explained that staff was given direction to work with applicants when they had questions and to assist in designing a project that would meet the applicant’s needs and the requirements of the Code. Staff did spend a lot of time assisting applicants with the process, and applicants had come to expect and rely on that. When help was provided in this matter, the process took longer.

Mr. Walde noted that while TRPA’s goal may be to simplify the rules and make them more manageable the proposal here doubled the language in the Rules. This was often one of the criticisms about the Agency.

While supporting the resolution, Mr. Heller reiterated his point on self-imposed deadlines. TRPA could greatly strengthen its image if it were to have a guarantee of services within these self-imposed deadlines. While an applicant could take TRPA to court if deadlines were missed, he did not feel it was an action of the applicant that should push this. It was the Agency that should drive the self-imposed deadlines.
Mr. Baetge explained that under the proposal any delays beyond 120 days would be brought to the Governing Board for discussion. At that point, the Board could decide if it wished to rebate fees or take some other action. The Board would have several options at the 120 day mark.

Mr. Larry Donald, a Brockway resident and builder, suggested that it was enough for an applicant to have to wait 30 days to get an answer on an application’s completeness. To have to deal with litigation besides was beyond the question. He favored some sort of compromise on behalf of the applicant should the deadlines not be met. Otherwise there was no recourse for the applicant.

Vice Chairman Delancy closed the hearing.

Mr. Bradhurst, Rules Committee Chairman, noted the Committee had recommended approval of the amendment, since it clearly was a step in the right direction. The amendment to Article V enhanced TRPA’s accountability as well as provided customer service. There were options for the Board to consider should action not be taken within the 120 days.

**MOTION** by Mr. Bradhurst to make the required findings to amend the Rules of Procedure for processing of applications. The motion carried unanimously.

**MOTION** by Mr. Bradhurst to adopt Resolution No. 96-15. The motion carried unanimously.

(Mr. Wynn came into the meeting at 10:30 a.m., during the following presentation by Ms. Nicolle.)

**VIII. PLANNING MATTERS**

**A. Continued Discussion on Basin Impact and Parking Fees**

Agency Counsel R. J. Nicolle explained this was a continued discussion from the July Board meeting; the purpose was to clarify whether TRPA had the ability to impose parking fees and what the prohibitions were in the Compact regarding Basin impact fees. TRPA did have the ability to impose parking fees and had done so as mitigation for specific projects (M.S. Dixie and the Lake Tahoe Airport). The Compact prohibited a fee collected from visitors or vehicles as they entered or left the Basin v. a parking fee levied against anyone parking in a facility. The Compact did not explicitly prohibit TRPA from imposing a Basin impact fee, but this was a litigation issue. TRPA had no taxing authority under the Compact, although the Tahoe Transportation District (TTD) did. In her opinion the local jurisdictions did not have the ability to use impact mitigation fees to update the 1974 financial feasibility study, with the possible exception of the interest on the water quality mitigation fees. In order to fund the updating of the study, Executive Director Jim Baetge had organized a number of volunteers who would donate their time to prepare funding grants. The Capital Financing Committee had removed such funding from the 1997 federal legislative packet, because there was not a clear enough target on the federal side to generate the necessary $100,000. In order to implement the Regional Plan and thresholds, TRPA did have the ability to collect parking fees.
Mr. Waldie suggested that Ms. Nicolle's opinion did not state whether TRPA had the authority itself to collect parking fees for the purpose of improving thresholds. The assumption was that it was an implicit authority. He would like to see that authority spelled out. He understood that Basin fees were not specifically granted as an authority to the Board, and Ms. Nicolle's advice appeared to be that TRPA should not pursue them without an amendment of the Compact. It appeared, however, that basinwide parking fees, which obtained the same result, were permitted without jeopardizing TRPA's legal position. This was not addressed sufficiently, and he would like more written information on it.

Dr. Miner suggested that one concern he had in this discussion related to interruption of interstate commerce. This had been a past stumbling block.

Ms. Nicolle suggested that this would come into play if there were toll booths at the outside edge of the Basin. A parking fee would not prohibit someone from driving through the Basin and not stopping. It was not an interstate commerce issue. The Basin impact fee was an issue relating to the stopping of cars on the highways. She would provide the requested information in writing.

Vice Chairman DeLanoj noted that Don Kornreich, an active participant in Basin impact fee discussions, was not able to be present at the meeting.

Mr. Cronk suggested that, while grants were fine as a start, it was important for the Board to continue to discuss this because there was no way for TRPA to continue to do what it needed to do to save the lake and protect the environment if people who were having an impact were not participating in financing the solutions. People who lived and worked in the Basin were making a contribution; the States were as well. On any day in July there were an enormous number of people who came through, stopped, and enjoyed the Basin. They were having an enormously negative impact on the environment yet were doing nothing to help solve the problem.

Ms. Neft commented that a group of thinkers in the Sacramento area had put together a Valley Vision statement suggesting that by the year 2020 a million more people would live in the Sacramento region. The reason they were moving to the Sacramento area was because they were minutes away from Lake Tahoe. This was something TRPA needed to deal with soon, since more and more people were coming to Tahoe from Carson, Reno, the Sacramento area, and San Francisco. The Basin needed to be ready for this. She was ready to impose a user impact fee on roads coming into the Basin.

Mr. Heller suggested he was not ready to impose a fee on people coming into the Basin. Visitors to Tahoe should not have to pay charges to come into the Basin, particularly in view of already high property and sales taxes. He questioned whether it would be constitutional to tax cars coming from other states.

Mr. Wynn suggested that an annual permit could be issued to residents of California and Nevada and the Basin so that they would get a discount on entering the Basin. In his opinion, there was absolutely no chance of making substantial progress on environmental solutions identified in the capital improvement program without expenditures far in excess of any reasonable
Expectation forthcoming from California or Nevada. Every time there was a threshold evaluation, except for air quality, attainment was not achieved. (Air quality was achieving the thresholds because of federal emission standards.) TRPA, as the planning agency, was a bulwark against further serious damage to the environment. TRPA was also charged, however, with rolling back the damage that had been done in the past and improving water clarity, the health of the forest, vegetation and other features. Everything boiled down to a list of identified capital projects; these required capital that was not now available. Without something like a Basin fee, nothing would change.

Ms. Bennett concurred with Mr. Cronk that TRPA needed to look for additional ways to implement solutions. She was open to exploring a Basin fee of some sort. Because of expanding populations in Douglas, Carson, and Washoe Counties there would likewise be a greater demand for public access to the Basin. There needed to be a reasonable way to manage that; she was not opposed to looking at parking fees as an option.

Mr. Cole stated that as an elected official he was elected to use his best judgment to determine what he felt was the best answer to whatever question was presented to him. If the electorate did not like his answer, they could choose to not reelect him. It was clear there would be increasing impacts on the Basin from the vast amount of growth taking place outside the Basin; there would be more and more day-trippers and drive-in traffic to be mitigated. These people would have to pay for the impacts they were creating. He found it too bad that TRPA was in a position where it could not look at toll booths, similar to what was found elsewhere around the country. Further investigation into the imposition of parking fees was appropriate.

Mr. Wynn suggested that if TRPA wished to amend the Compact to implement something like this it could likely go through Congress in 60 days. If the public knew that the money was going to capital improvements - to paths, hiking paths, to restoration projects - they would go for this in a minute; resistance would be nonexistent. It was a public relations thing. The only fee that would work would be a broad-based one; the broader the base, the less intrusive and expensive it would be for the public. Because of the makeup of the Governing Board and the governmental and other entities represented, it was time to form a committee - since it appeared the Board was of a single mind. The staff had an inventory of prioritized projects for any funding that could be obtained. If the Board was collected and together on this, amendment of the Compact would be a non-event.

Mr. Baetge suggested that the Basin user fee issue was different from the Highway 28 parking management study that had been completed. Part of the recommendation from the study was to have paid parking to replace the roadway parking and to use the money to implement a shuttle system. At the South Shore, through the Coordinated Transit System, the parking management study was underway. Some of the work was already done.

Mr. DeLanyo suggested that TRPA needed to know the difference between fees collected from a toll booth and fees collected from parking. Toll booth fees would be substantially more. TRPA had taken leadership positions in other programs involving Tahoe Basin highways (use of salt), and it was time for
TRPA REGULAR MEETING MINUTES SEPTEMBER 25, 1996

TRPA to put together a package to amend the Compact for consideration by the state attorneys general and Congress. The focus should now quickly shift to the legal area. Everybody appeared to be in accord on it.

Mr. Bradhurst agreed that whatever fee was imposed should not be intrusive and should be broad-based. An earlier attempt to increase the sales tax for transportation purposes was unsuccessful. Such a tax was the only one that would go towards the visitors who came into the Basin on the weekends. A sales tax may be more attractive than a toll booth. Would a sales tax be eligible in terms of generating revenue to implement the Regional Plan?

Ms. Nicolle responded that she did not think so, because TRPA was not given specific taxing powers. Fees were different from taxes.

Mr. Heller questioned whether a new source of revenue or resources would make a difference, in view of the fact water clarity was decreasing 1-1/2 feet per year. Millions of dollars had been spent trying to reverse the trend, and little difference could be seen. Would hundreds of millions of dollars make a difference?

Mr. Cole noted that there was evidence that trends may be reversing. The problem was that Lake Tahoe was a very large body of water and what was done today would not be realized in terms of real impacts for some time. TRPA and others were now dealing with impacts of 100 years ago. It appeared that what TRPA and others had been doing over the last 20 years was starting to have an impact.

Ms. Nicolle explained that she would be responding to Mr. Waldie's question concerning whether TRPA had the right to impose parking fees to collect money for capital improvements. On the toll booth issue, it was not specifically prohibited for TRPA to place toll booths but there was a good legal argument that such a prohibition was implied. The Nevada Legislative Counsel had agreed that it was illegal unless Article 9 of the Compact was amended. Article 9 could be amended without going to Congress. One option was to remove the prohibition in Article 9 for adoption by the legislatures. The TTD could become the implementing Agency with TRPA assisting in the study.

Mr. Baetge explained that the Transportation Coalition had done a lot of work on potential amendment of Article 9 for both states to act on. The language had been drafted to accomplish what was desired. The Nevada Legislative Oversight Committee was comfortable with it, and the matter would likely go forward to the Nevada Legislature in 1997. This would remove from the Compact the provision that prohibited a Basin user fee. The language would also change the representation on the makeup of the TTD board. Each of the Basin jurisdictions was represented on the TTD.

Ms. Nicolle agreed that she had sufficient information and direction from the discussion to come back at the November Board meeting with more information.

Mr. Dwight Steele, resident of Alpine Meadows, explained that the Tahoe Transportation Coalition, the TTD, and the private transit providers had spent months redrafting Article 9 to include deleting a ban on tolls. When it got to the Nevada Legislature, it was defeated, partly because there was no
pressure from the TRPA Governing Board. The Legislature did not realize what was needed - a reliable source of substantial funds to do many capital improvements, including those affecting transit. The Regional Transportation Plan adopted five years ago provided that the parking management ordinance shall include requirements for paid parking in parking lots and parking structures open to the public. TRPA needed to grab the Basin impact fee and move with it and make sure there was a solid message from TRPA to get the amendment done. Nevada and California support could be had on this. On the subject of parking fees, it would be helpful for the Board to set this as a priority item and direct staff to move forward rapidly on it.

Chairman Upton and Board member Severson returned to the meeting at 11:40 a.m.

B. Discussion on Amendment of Regional Goals and Policies Plan, Transportation and Land Use Elements, Relative to Transportation and Air Quality Goals

Senior Transportation Planner Richard Wiggins noted that Board action was not needed today but rather discussion on goals to be amended as part of the 1996 Regional Transportation Plan/Air Quality Plan (RTP/AQP) update. The Advisory Planning Commission (APC) had provided input on this as well. The goals had not been updated since 1992. Staff was focusing on a mass transit program, an air quality program, a parking program, a traffic congestion and highways program, a pedestrian and bicycle program, and an aviation and waterborne program. The Compact did have specific transportation planning goals for TRPA. Staff was working with a broad-based advisory committee and had met with the TTD, the Coalition, and TMAs. Mr. Wiggins highlighted the differences between the proposed and the existing goals as set forth in the packet materials. Goal #9 was to be amended to specify not only implementation of a parking management program but also parking management fees. The goals did not have any allusion to a Basin impact fee, toll roads, or collection points, although they did address parking fees.

Mr. Wynn suggested the Board keep its powder dry on entry fees until it had its act together and had taken all viewpoints into consideration. If TRPA had a plan that made sense and had dealt with the concerns of the local population, then the message could be spread and the goal addressed. He did not think TRPA should be put on the defensive because it had not done its homework.

Mr. Walder noted that Goal #7 stated it was a goal of the RTP-AQP to have Basin users pay a fair share of their impacts on transportation and air quality in the Tahoe Region. To some extent the user fee was addressed. Politically Mr. Wynn's advice was sound.

Chairman Upton concurred and suggested that if TRPA were explicit about a Basin user fee it would be in violation of a Compact provision. He was pleased with the modifications to the goals. One problem he had found with the 1992 plan was that it was done far too much in TRPA's offices and not enough in reaching out to the community. As such, it was a dream sheet and not tied to reality. The focus here was the right direction to go.
Dr. Miner suggested that Goal #7 should contain a provision which would apply to local year-round residents. In addressing the users there would also be a separate and different reference to those who lived in the Basin.

Mr. Wiggins noted the distinction between specific goals and whether certain of them would be more appropriately expressed as policies. There may be a policy discussion included under the programs that referenced that difference.

Mr. Wynn commented that the residents in Washoe County and the Basin were paying a huge property tax, much of which was going back into infrastructure improvements, such as roads. Local residents were paying a disproportionate share of the tariff at the present time to take care of the Lake for people to enjoy. This should be acknowledged in any transportation goals.

Mr. Cole concurred that local citizens were paying a great amount of money in taxes that ultimately ended up going to benefit water and air quality. The City of South Lake Tahoe engaged in air and water quality mitigation projects all the time. Most other jurisdictions outside the Basin did not have to set aside funds for these types of efforts. Locals also had to pay for installation of BMPs, which were not inexpensive. This also was a contribution.

Mr. Waldie suggested that because of the regulatory structure enormous value had been taken away from property owners; this was a contribution that exceeded what those living outside the Basin had to make. To suggest that the locals were not bearing their fair share of taking care of the Basin was a mistake.

Mr. Bradhurst suggested the issue in Washoe County was not so much the tax rate. The issue was the assessed valuation itself, which was high. Approximately 3 percent of the county’s population (300,000 people) represented 11 percent of the assessed valuation. This was the problem for Incline residents. Washoe County had made a concerted effort to plow money back into the Incline/Crystal Bay area.

Chairman Upton suggested that a unique cost for Basin property owners was the sewer assessment fees and the cost for exporting sewage out of the Basin. The current wording of Goal #7 gave flexibility to pursue Compact changes as discussed. To go beyond that and suggest a Basin user fee or entrance fee as a goal would be going too far. TRPA needed to get its act together first. The wording of the goal was sufficient to allow further exploration.

Mr. Robert McDowell, with the Forest Service, noted the need for the reintroduction of fire into the ecosystem. TRPA had approved several large forest health projects that called for burning. This caused smoke and impacts on air quality. We would continue to bring the issue up in discussions on the air quality plan.

Mr. Dwight Steele, for the League to Save Lake Tahoe, complimented staff and others on the goals; they were more specific than earlier goals. The Tahoe Transportation Coalition (TTC) meeting on September 24 asked for a change to Goal #2 as follows: "...projects that will reduce total emissions and other pollution in the Region..." The TTC would like Goal #4 to contain an addition
TRPA REGULAR MEETING MINUTES SEPTEMBER 25, 1996

as follows: "Changes are needed in order to more efficiently and effectively expand, coordinate or consolidate mass transit services, including expansion of no-fare bus service." He would like to see this goal achieved by the year 2010. The TTC would like to amend Goal #5 as follows: "It is the goal of the RTP-AQP to prioritize public transportation and other transportation and air quality programs." Goal #9 should be amended, as noted by staff, as follows: "It is a goal of the RTP-AQP to implement a parking management program, including parking management fees." New goals would be as follows: #11 "Reduce traffic congestion which makes Tahoe less attractive and increases pollution." #12 "Take every opportunity in decisions on projects, planning and funding to reduce automobile use." #13 "Reduce amount of pavement related to automobile use."

The meeting recessed for a lunch break from 12:10 to 1:30 p.m.

C. 1996 Threshold Evaluation Report

Deputy Director Jerry Wells asked that the order for these items be modified from the agenda to accommodate consultant schedules. The Recreation presentation (item VIII.C.5.) was to be continued to October.

Executive Director Jim Baetge noted that the threshold presentations were being given both to the Board and the AFC to familiarize them with thresholds in advance of the final 1996 Threshold Evaluation Report.

4. Scenic Resources

Ms. Sheila Brady, with Brady and Associates, noted she was one of a team of mentors for the scenic quality thresholds update. Other mentors included Wayne Iverson, Mac Magary, and TRPA staff member Andrew Strain. This group conducted field trips early in 1996 to update the thresholds in areas where change had occurred in the Basin since the last update in 1991. Ms. Brady presented an overview of the results of the update and changes in travel route ratings and scenic quality ratings. The group did not update the Public Recreation Threshold, because it was adopted in 1993, and had not been in place long enough to see substantive change. Based on travel route ratings, there were nine (of 45) roadway units which improved in scenic quality as of 1996; three shoreline units decreased in quality. Because the improvements tended to be in urban areas, it was apparent that the Community Plans and Community Design Standards were working.

Ms. Brady described the specific areas where changes had occurred and why, explained the rating system, and responded to Governing Board member questions on application of the system. The intent of the system was to set standards that would protect the natural landscape, that would hold the line, essentially, on scenic quality while the plan was being developed and scenic management systems were being put in place. The travel route threshold was adopted because it had already tracked changes in the Basin. It was only intended as a means of holding the baseline. What had happened with both the scenic quality rating system and the travel route rating system was that they were adopted initially as standards but were also being used for project review and as a central component of the scenic management system. Through the years, successive layers of interpretation had increased the complexity of
the systems. Since adoption of the thresholds, TRPA had developed some very useful mechanisms for improving scenic quality in the Basin, including the Community Design Program, the Community Plans, and the Public Recreation Threshold. The thresholds had set a high standard and had allowed these other mechanisms to be developed so that once they were in place there were ways to ensure a high scenic quality. From her perspective, Ms. Brady suggested that the scenic thresholds had worked to the extent they had allowed a window of time where other mechanisms could be put in place. It was, however, time to refine and revise that threshold system. While the scenic quality rating system functioned pretty well, the threshold that gave everyone "heartburn" was the travel route rating threshold. The problems were inherent in the system, and as originally developed it was useful in maintaining scenic quality so other mechanisms could be put in place. At this point, however, it had outlived its usefulness as a way of evaluating development in the Basin, although it was extremely helpful for monitoring change. It was an important threshold to maintain, but it had problems. It used similar criteria for both urban and natural landscapes, setting an unrealistic standard for urban areas. It was really designed as a system to measure change, not to evaluate individual proposals in the urban, manmade environment. She recommended it be kept in place as a means of monitoring change but that a scenic quality management system be put in place that was based on site specific areas, that accounted for differences in character of the areas (urban, natural, transition areas), that recognized different landscape types, and that provided for a given area to absorb change without impairing scenic quality. The system should be easily implemented, understandable by all those using it, and effective. Such a system would reduce differing expectations, would provide greater flexibility through tradeoffs and mitigation, and would allow for development of solutions at a site-specific level.

Ms. Brady responded to Board member questions about at-risk areas, how to streamline the complex rating system, and values of the man-made v. natural environment. Ms. Brady introduced the panel members who were participating with her in the study of scenic issues raised by the shorezone RIS (Stephen Sheppard and Brent Thrams).

Scenic consultant Stephen Sheppard described a possible checklist approach to streamline the scenic review requirements of the project application process and discussed evaluation of man-made structures in the natural environment. The purpose of the threshold system was to maintain and protect the scenic resources in the intrinsic natural character of the Basin. It was not correct to say that any human development was going to be automatically a degradation; there were ratings for categories of new and older development and modifications to existing structures that were not counted as degrading scenic quality.

Mr. Thrans noted that part of the confusion over the manmade and natural environment was caused by the way the system was designed. Something manmade going into a natural environment would degrade the score, based on the way the system was set up. That was the reason for the recommendation to modify it. The system and thresholds were based on scores adopted in 1981. Changes were mapped every five years as a part of the threshold evaluation process. The system was a young system, it was evolving, and it was working to TRPA's advantage, because some units had improved with the system in place. Roadway
improvements and power line undergrounding did make a difference. The problem was that the system was not tuned finely enough to the project-specific level. For example, the Incline/Crystal Bay area was evaluated as one unit, although there were different characteristics within that one unit. The built environment at Tahoe had never in the past been its strong suit; the natural landscape was the attractive characteristic that drew people to Tahoe. Tourist-based economies all around the country had mechanisms to protect the quality and uniqueness of their communities so that they remained worth visiting. Of all the features that TRPA had been working cumulatively to protect (water quality, air quality, vegetation, and others) scenic quality was a preeminent issue.

More discussion followed on the need for the Board to address problems with the scenic system, differing views of what was considered of scenic value, the impact of coverage on scenic and visual quality, the inflexibility of the system and resulting scenic impacts, the need for a system that could respond to areas of different character, the goal of the shorezone panel, the geographic information system (GIS), and the importance of scenic quality.

IX. ADMINISTRATIVE MATTERS

A. Presentation of Plaque and Adoption of Resolution for Former Governing Board Member Jane Hagedorn

MOTION by Mr. Sevison to adopt Resolution No. 96-14 commending former Governing Board member Jane Hagedorn for her service while on the Board 3/93-12/95. The motion carried unanimously.

Ms. Hagedorn complimented staff and thanked and commended the Board members for their many hours given to public service. The constituency was dedicated and valued, and Lake Tahoe was a precious resource to protect.

(Mr. Bradhurst left the meeting at 2:50 p.m.)

Ms. Trish Ronald, on behalf of the League to Save Lake Tahoe, noted that the highest quality that must be the standard was the natural scenic quality of Lake Tahoe. It was important to maintain and improve the open spaces so tourists could see the Lake and mountains as they drove around the Lake. The League supported recognition of unique characteristics for different areas and keeping some areas in a natural scenic state. She favored identification of problems ahead of time and development of planned solutions.

1. Fisheries

Associate Planner Coleen Shade gave a slide presentation describing the adopted fish habitat map showing spawning, feed and escape cover, and marginal fish habitat areas. Ms. Shade also described the more current fish study map and the variation in types of habitats around the Lake's shoreline. The threshold for in-lake habitat called for achieving approximately 6,000 acres of excellent in-lake habitat (feed and cover or spawning habitat). This number was based not only on physically manipulated or disturbed areas around the lakeshore but also on the density of piers and boat traffic, not just substrate. The recent fish spawning study would be providing updated
information on the effect of activities in the lake on fish spawning. Based
on recalculation of disturbed lake bottom areas or fish habitat, the threshold
was 1000 acres closer to being achieved than was previously thought.
Ms. Shade’s slides showed various shoreline activities around the Lake, the
adopted in-stream habitat map (resident and migratory streams), and the
recently-in-stream fish habitat map. Because of the information from the
re-rating of the 46 streams and the Forest Service study of every mile of the
streams, the EIP (Environmental Improvement Program) would develop a program
for improvements. Ms. Shade responded to Board member questions about the
slides and the status of the Lake and instream fish habitats.

3. Wildlife

Associate Planner Coleen Shade presented slides showing a list of special
interest species, population sites to be maintained, and disturbance zones in
the Basin. She described the status of the thresholds and wildlife habitat
and responded to questions.

(Mr. Heller left the meeting at 3:30 p.m., during the following presentation.)

3. Vegetation

Mr. Steve Chilton, Chief of the Environmental Compliance Division, described
the vegetation threshold, which addressed vegetation from a depth of 500 feet
under Lake Tahoe (deep water plants) to the top of Freel Peak. BPA would be
assisting in the study of deep water plants by means of a Remote Operating
Vehicle. The last such study was done in 1967. An advisory committee was
assisting staff in determining status of the pertinent thresholds (common and
uncommon vegetation and sensitive plants). Mr. Chilton showed slides of and
described the status of the various species, the problems facing Tahoe’s
forests, current logging activities, late successional forests, the consensus
efforts of the forest health group, and public involvement. The forest health
consensus group recommended returning Tahoe’s forests to a pre-Comstock
logging condition (primarily old-growth forest) with other types of forests
scattered throughout. This would provide a matrix of different age trees
across the landscape of the Region and would provide for a continually
evolving forest that would not stop at the late successional stage. The
slides showed forests and individual trees exhibiting various health and age
characteristics. Mr. Chilton summarized the status of 1991 threshold
evaluation recommendations and the proposed recommendations for the 1996
study.

3. Recreation - continued to October

IX. ADMINISTRATIVE MATTERS

C. Appointment of Lay Members to Advisory Planning Commission

Deputy Director Jerry Wells explained that it was his understanding Washoe
County was currently in the process of seeking a lay member appointment to the
APC. Stan Hansen, who had resigned earlier in the year, had expressed an
interest in being reappointed to the APC.
Chairman Upton commented he would be pleased to have Stan Hansen back on the APC. He was the senior member and a valued participant.

**MOTION** by Ms. Bennett to appoint Stan Hansen as a California lay member to the APC for a two-year term. The motion carried unanimously. (Mr. Hansen’s term will expire the end of September 1996).

(Members present: Neft, Bennett, Waldie, Cronk, Miner, DeLanoy, Cole, Wynn, Severson, Upton)

X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

G. Performance Audit Committee Report

1. Acceptance/Rejection of Performance Audit Bids

Chairman Upton noted that because the audit being done by the California Bureau of State Audits was a fait accompli, with the cost to be paid by TRPA, there was no point in doing two audits. The reason underlying the State’s action ultimately was a legislative determination that the greatest comfort level with the audit would be if it were done by the state. The Committee’s recommendation to the full Board, therefore, was to reject the private consultant bids.

**MOTION** by Mr. Severson to approve the Performance Audit Committee’s recommendation to reject the bids for TRPA’s performance audit and to thank the bidders for their time and effort.

Agency Special Projects Attorney suggested that the basis for this action was that the State of California had passed intervening legislation; it would therefore be in the public interest to reject the bids.

Chairman Upton asked that a letter go out to the bidders describing the Board’s action.

The motion carried unanimously.

Chairman Upton explained that the Performance Audit Committee met early in the morning with the Nevada Audit Subcommittee; the Subcommittee would be making a recommendation to the Nevada Legislative Commission on October 2. The three members of the Performance Audit Committee would be at that meeting as well and would formally notice the meeting, as required. There was certainly some heartburn expressed by the Subcommittee this morning over the manner in which the whole matter was being handled. The bottom line was the Subcommittee voted unanimously to recommend that the Nevada State Auditor have its staff perform the audit jointly with the California State Auditor. This would result in a bistate audit. Since this basically was a time and materials situation as far as the California Auditor was concerned, any effort that Nevada put into it should reduce the cost by virtue of Nevada’s participation. Because Nevada did not have a vehicle to bill for its participation, the way it would hopefully work would be a reduction in cost. In his discussion with Fred Forrer of the California Bureau of State Audits, he had learned that the
interagency cooperative agreement was a vehicle to facilitate the billing and not a necessary precondition for California to start the work. Chairman Upton noted that Nevada would have preferred that the discussions between the two states have taken place earlier. The sudden action in the California Assembly did not allow for that advanced thinking.

Ms. Scholley reminded the Board that on the Nevada side there would still need to be work program amendments to reflect changes in the TRPA budget. This would have to be done before TRPA could enter into the interagency agreement. The auditors had the draft agreement. The Nevada Fiscal Division had contacted TRPA to ask for proposed budget revisions and was determining whether the changes would have to be processed through the Interim Finance Committee. There was overlap in membership on the Legislative Commission and the Interim Finance Committee.

2. Endorsement of Cooperative Agreement With California Bureau of State Audits - continued to October

3. Interstate Cooperation - already discussed

IX. ADMINISTRATIVE MATTERS (continued)

B. Discussion on Status of Tahoe Eastern Area Management Team (TEAM Tahoe)

Committee Chairman Kay Bennett explained that the format of the TEAM Tahoe committee was functioning extremely well. Because of the National Scenic Byway Designation for Highway 28, the group would be moving into a new era. A corridor management plan would be prepared by EDAW, and the group would be applying for ISTEA monies as a result of the parking management study. Carson City would be taking approximately $200,000 of its Burton-Santini monies and applying them to the whole area for forest health management efforts. TEAM Tahoe would be interfacing more and more with the public, particularly during the public’s review of the coordinated scenic master plan. She asked Board members if they were comfortable retaining the current status of the committee, in view of the expanded scope of the programs, or whether they wished to have TEAM Tahoe an officially designated Governing Board committee. There were advantages and disadvantages either way.

Chairman Upton suggested that so long as there was cooperation from affected participants and entities the format should continue. He complimented the committee for its efforts and Kay for following through on it.

Ms. Bennett commended Executive Director Jim Baetge, Long Range Planning Chief John Hoole, Pam Drum, and others for their coordinating assistance. The group would continue to work in its current format and come back to TRPA when the coordinated master plan was ready for hearing.
X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION (continued)

   A. Finance Committee Report

   1. Receipt of August Financial Statement and Check Register

   MOTION by Ms. Bennett to receive the financial statement and check register
   for August. The motion carried unanimously.

Finance Committee Chairman Kay Bennett noted the attendance in the audience of
Ms. Karen Denio, from Nevada Senator Reid's office. Ms. Denio was present
also at the Finance Committee meeting earlier in the day and participated in
discussions on the Agency's fiscal situation.

   2. Revisions to FY 1996-97 Operating Budget

   Executive Director Jim Baetge noted that the Performance Audit and Finance
committees had discussed in very general terms potential budget cuts to pay
for the $60,000 performance audit. Both committees wanted staff to present
more detail on this in October, showing not only the $60,000 cuts but other
options as well.

   B. Legal Committee Report

   1. Status of TSPC v. TRPA Mediation

   Committee Chairman Delaney noted the Blundell resolution of enforcement was
discussed earlier in the day by the Legal Committee and was approved by the
full Board as item 1 on the consent calendar. The committee also had an
update on the TSPC case.

   C. Capital Financing Committee Report

   Committee Chairman Kevin Cole noted the group met at noon and discussed
getting volunteer assistance in the search for grant funding to update the
1972 financial feasibility report on Basin impact fees. The 1997 legislative
packet was being updated and would be used for the spring Presidential summit
as a tool to facilitate and focus discussion and direction.

   D. Rules Committee Report - no meeting

   E. Shoreszone Policy Committee Report

   Deputy Director Jerry Wells noted that there was a gentleman in the audience
who wished to comment on the Shoreszone EIS. He was not present for the
earlier public hearing.

Mr. John Adlin expressed opposition to personal water craft using the
shoreline areas around the Lake where he swam. In recent years, his swimming
area had been infringed upon by jet skis, and he viewed them as a deadly
hazard. For some who lived on the lakeshore or fished in the lake, it may be
a nuisance; for him it was a life-threatening hazard. Young people and others
were permitted to rent the machines with a minimum of instruction. He urged
the Board members to be advocates for him on this matter. The two-cycle engines on jet skis combined gas and oil which did not burn completely at this altitude. Since these engines were not permitted on the highways, he did not understand how TRPA could allow them in the Lake. He asked that jet skis be regulated to 3 miles per hour in marinas, no beach starts anywhere, kept at 500 feet off the shore and an age limit for renters.

Mr. Wells advised that personal water craft hearings were tentatively scheduled for October 22 and November 19.

F. Local Government Committee Report (discussed with item VII.A.)

XI. REPORTS

A. Executive Director Monthly Status Report - no report

B. Legal Division Monthly Status Report

Agency Counsel R. J. Nicolle advised the Board on the status of Stack v. TRPA and the TSPC v. TRPA cases. On the latter case, because mediation appeared to be unsuccessful, there would be a status conference in the fall and a resetting of discovery deadlines and trial dates. Ms. Scholly also advised that the deadline for removal of the billboards on Highway 50 in El Dorado County was December 31, 1996. A reminder notice was sent.

C. Governing Board Members

Mr. Cole noted that the Federal Government had provided $2.5 million for the Coordinated Transit System program through two different sources. This would provide money to get the program off the ground and aid greatly with transit efforts in the Tahoe Basin. Related to that, the Tahoe Transportation District (TTD) recently hired a full-time director to start October 1. The TTD was becoming a much more viable transportation entity in the Basin.

XII. ADJOURNMENT - The meeting adjourned at 4:35 p.m.

Respectfully submitted,

Julie D. Frame
Clerk to the Governing Board

This meeting was tape in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, written materials submitted at the meeting may be reviewed at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

These minutes were approved as submitted Oct. 23, 1996.